

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF A PETITION FOR	:	
AN ADMINISTRATIVE INJUNCTION	:	FINAL DECISION
INVOLVING	:	AND ORDER
	:	LS0810271UNL
PAMELA A. JOHNSON,	:	
RESPONDENT.	:	

Division of Enforcement Case No. 07 UNL 061

The State of Wisconsin, Department of Regulation and Licensing, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, makes the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Department of Regulation and Licensing.

The rights of a party aggrieved by this Decision to petition the department for rehearing and the petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated this 19th day of May, 2009.

Celia M. Jackson, Secretary
Department of Regulation and Licensing

**STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING**

**IN THE MATTER OF A PETITION FOR AN
ADMINISTRATIVE INJUNCTION INVOLVING**

PROPOSED DECISION

LS-0810271UNL

**PAMELA A. JOHNSON,
RESPONDENT.**

Division of Enforcement Case No. 07 UNL 061

The parties to this proceeding for the purposes of Wisconsin Statutes, sec. 227.53 are:

Pamela A. Johnson
PO Box 500152
Austin, TX 78750-0152

Department of Regulation & Licensing
P.O. Box 8935
Madison, Wisconsin 53708

Division of Enforcement
Department of Regulation & Licensing
P.O. Box 8935
Madison, Wisconsin 53708

This proceeding was commenced by the filing of a Notice of Hearing (Notice) and Petition for an Administrative Injunction (Petition) on October 27, 2008. A hearing was held on the State's Motion for Default on December 9, 2008. Attorneys John Nicholas Schweitzer and Angela Arrington appeared in this matter on behalf of the Division of Enforcement (Division), Department of Regulation and Licensing (Department). The Respondent did not file an Answer to the Petition and did not appear at the motion hearing.

Based upon the record herein, the Administrative Law Judge recommends that the Department of Regulation and Licensing adopt as its final decision in this matter the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. The Respondent, Pamela A. Johnson, has a mailing address at PO Box 500152
Austin, TX 78750-0152

2. On October 27, 2008, the Division of Enforcement filed a Notice of Hearing and a Petition for an Administrative Injunction involving the Respondent, Pamela A. Johnson.
A copy of the Notice and Petition were sent to Ms. Johnson at the following addresses:

(a) Pamela A. Johnson, 13730 Ranch Road, 620N #319, Austin, TX 78717. This mailing, which was sent by certified mail, was returned to the Division on November 10, 2008, with the word "Refused" written in red on the envelope. A label was also placed on the envelope which stated: Notify Sender of New Address - Johnson, Pamela. P.O. Box 500152, Austin TX 78750-0152.

(b) Pamela Johnson, c/o PAJ Enterprises, LLC, 9656 W. Bradley Road, #206, Milwaukee, WI 53224. This mailing, which was sent by certified mail, was returned to the Division with the words "Unable to forward", printed on a label.

(c) Pamela Johnson, c/o PAJ Enterprises, LLC, 9656 W. Bradley Road, #206, Milwaukee, WI 53224. This mailing, which was sent by regular first class mail, was returned to the Division on November 5, 2008, with the words "Unable to forward" printed on a label.

3. On November 18, 2008, the Division filed a Notice of Motion, Motion for Default and Affidavit. The hearing on the motion was held on December 9, 2008.

4. On December 10, 2008, the Division sent a letter to Ms. Johnson at P.O. Box 500152, Austin, TX 78750-0152, by both first-class and certified mail, along with copies of the following documents:

Notice of Hearing
Petition
Notice of Pre-hearing Conference
Notice of Motion, Motion for Default and Affidavit
Memorandum of Pre-hearing Conference and Scheduling Order.

5. Between June 28, 2005 and July 3, 2007, Ms. Johnson was involved in the sale of 27 real estate properties in the state of Wisconsin, either as an individual, as a principal of PAJ Investments, LLC, or by using a Power of Attorney granted by another individual. No real estate license has ever been granted by the Department to Ms. Johnson.

6. Ms. Johnson did not file an Answer to the Petition and did not appear at the motion hearing held in this matter.

CONCLUSIONS OF LAW

1. The Department of Regulation and Licensing has jurisdiction in this matter pursuant to Wis. Stats., § 440.21.
2. Service of the Notice of Hearing and Petition on Ms. Johnson was sufficient under Wis. Admin. Code, § RL 3.07.
3. The Respondent, Pamela A. Johnson, is in default under Wis. Admin. Code, § RL 3.13.
4. By engaging in the conduct described in Findings of Fact 5 herein, Ms. Johnson acted as a real estate broker without a license, in violation of Wis. Stats., § 452.03.

ORDER

NOW THEREFORE, IT IS ORDERED that, pursuant to Wis. Stats., § 440.21, Pamela A. Johnson be, and hereby is, enjoined from practicing as a real estate broker without a license, as required under Wis. Stats., § 452.03.

This order is effective as of the date it is signed by the Department's designee.

OPINION

I. Petition for Administrative Injunction

This proceeding was commenced by the filing of a Notice of Hearing (Notice) and Petition for an Administrative Injunction (Petition) on October 27, 2008. The Division alleges in its Petition that, between June 28, 2005 and July 3, 2007, Ms. Johnson was involved in the sale of 27 real estate properties in Wisconsin without holding a license as a real estate broker.

II. Applicable Law

Wisconsin Stats., § 452.03, states that no person may engage in or follow the business or occupation of, or advertise or hold himself or herself out as, or act temporarily or otherwise as a broker or salesperson without a license. Licenses shall be granted only to persons who are competent to transact such businesses in a manner which safeguards the interests of the public, and only after satisfactory proof of the person's competence has been presented to the department.

The term "broker" is defined in Wis. Stats., § 452.01 (2), in part, to mean any person not excluded by sub. (3), who does any of the following:

(b) Is engaged wholly or in part in the business of selling or exchanging interests or estates in real estate or businesses, including businesses' goodwill, inventory, or fixtures, whether or not the business includes real property, to the extent that a pattern of sales or exchanges is established, whether or not the person owns the real estate or businesses. Five sales or exchanges in one year or 10 sales or exchanges in 5 years is presumptive evidence of a pattern of sales or exchanges.

Wis. Admin. Code § RL 3.13 reads as follows:

Default. If the respondent fails to answer as required by s. RL 3.08 or fails to appear at the hearing at the time fixed therefor, the respondent is in default and the department may make findings and enter an order on the basis of the petition and other evidence. The department may, for good cause, relieve the respondent from the effect of the findings and permit the respondent to answer and defend at any time before

The Department of Regulation and Licensing is authorized under Wis. Stats., § 440.21 (2), to issue administrative injunctions. That provision states that if, after holding a public hearing, the department determines that a person has engaged in a practice or used a title without a credential required under Wis. Stats., chs. 440 to 480, the department may issue a special order enjoining the person from the continuation of the practice or use of the title.

III. Discussions

The issuance of an administrative injunction is authorized under Wis. Stats., § 440.21 (2), and is clearly warranted in this case to assure protection of the public.

The evidence presented establishes that Ms. Johnson engaged in practice as a real estate broker without a license. Between June 28, 2005 and July 3, 2007, Ms. Johnson was involved in the sale of 27 real estate properties in the state of Wisconsin, either as an individual, as a principal of PAJ Investments, LLC, or by using a Power of Attorney granted by another individual. No real estate license has ever been granted by the Department to Ms. Johnson.

The purpose of licensing statutes is not to benefit those persons licensed to practice under the statute, but rather to protect the public by the requirement of a license as a condition precedent to practicing in a given profession. Such statutes are grounded in the state's police power to protect the public welfare through safeguarding the life, health, and property of its citizens. Gilbert v. Medical Examining Board, 119 Wis. 2d 168, 188, 349 N.W. 2d 68 (1984).

Based upon the record herein, the Administrative Law Judge recommends that the Department of Regulation and Licensing adopt as its final decision in this matter, the proposed Findings of Fact, Conclusions of Law and Order as set forth herein.

Dated at Madison, Wisconsin this _____ day of _____, 2009.

Respectfully submitted,

Ruby Jefferson-Moore
Administrative Law Judge